

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

ADRIAN FERNANDO VASQUEZ,  <div style="text-align: right;">Petitioner,</div> <div style="text-align: center;">v.</div> WARDEN AREF FAKHOURY,  <div style="text-align: right;">Respondent.</div>		Civil No. 12-0466 MMA (WVG)  <b>ORDER:</b>  <b>(1) DIRECTING CLERK TO FILE          PETITION IN THIS CASE [ECF No. 1]          AS FIRST AMENDED PETITION IN          CASE NO. 12cv0116 BEN (MDD); and</b>  <b>(2) CLOSING CASE</b>
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On January 11, 2012, Petitioner, a state prisoner proceeding pro se, submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 to the United States District Court for the Central District of California, Western Division. On January 12, 2012, the case was transferred to this Court and given case no. 12cv0116 BEN (MDD). (*See* ECF Nos. 1-5.)

On January 24, 2012, this Court dismissed case no. 12cv0116 BEN (MDD) without prejudice and with leave to amend because Petitioner had failed to satisfy the filing fee requirement and had failed to state grounds for relief in the petition. (*See* Order dated Jan. 24, 2012 [ECF No. 7] in case no. 12cv0116 BEN (MDD).) Petitioner was given until March, 27, 2012, to either pay the \$5.00 filing fee or submit adequate proof of his inability to pay the fee, and to file a First Amended Petition that cured the pleading deficiencies outlined in the Court's January 24, 2012, Order. (*Id.*)

1 On February 23, 2012, Petitioner filed a second Petition for Writ of Habeas Corpus  
2 pursuant to 28 U.S.C. § 2254 in this Court which was given this case no., 12cv0466 MMA  
3 (WVG). The Court has examined the petitions in this case and in case no. 12cv0116 BEN  
4 (MDD) and has determined that they raise the same claims. It appears that the petition in this  
5 case (12cv0466 MMA (WVG)) was meant to be filed as a First Amended Petition in case no.  
6 12cv0116 BEN (MDD).

7 Accordingly, the Court **ORDERS** that the petition filed in this case (12cv0466 MMA  
8 (WVG), ECF No. 1) be filed as a the First Amended Petition in case no. 12cv0116 BEN (MDD).  
9 The Clerk shall thereafter close this case.

10 **IT IS SO ORDERED.**

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12 DATED: March 1, 2012

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14 Hon. Michael M. Anello  
15 United States District Judge  
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